

To be considered for exemption from the ban on the sale or use of deer or elk urine in Montana

Ken McDonald, Wildlife Bureau Administrator - November 21, 2017

The use or sale of deer or elk urine is prohibited in Montana if the urine originated in a state or province with documented occurrences of chronic wasting disease as determined by the commission. As of December 2017, those states and provinces with documented occurrences of chronic wasting disease include: AR, CO, IL, IA, KS, MD, MI, MN, MO, MT, NE, NM, NY, ND, OK, PA, SD, TX, UT, VA, WV, WI, WY, Alberta, Saskatchewan.

To be considered for exemption from the ban on the sale or use of deer or elk urine originating from a CWD positive state or province in Montana, the manufacturer of the urine must meet all of the following criteria. They can present documentation directly to the department for evaluation with compliance with the criteria below, or a third party may implement a certification program that, if approved by the department, may approve applicants. Criteria that must be met include:

1. **Federally Approved CWD Program** – All cervid urine collection farms must demonstrate that they have received herd certification and currently are in compliance with the APHIS Herd Certification Program and/or a federally approved state CWD certification program and are currently in compliance with all quarantines and/or restrictions related to that program.
2. **Cervid Movement** – Facilities will be closed to the importation of live cervids (except as noted in Measure #2a) until there is a federally approved live animal test for CWD. Participating facilities will ensure that, to the best of their ability, all live cervids leaving their facility are tested for CWD when they die or are slaughtered, euthanized or harvested (see Measure #3a below).
 - a) Catastrophic Loss & Herd Replenishment – Herd replenishment may be necessary when herds are harmed by a natural disaster (i.e., fire, or storms), health issues (i.e., EHD) or other unplanned events where a significant amount of the cervids die unexpectedly. In the event a facility needs to restock or add new cervids, these new cervids can only come from:
 - i) other facilities operating in full compliance within these criteria;
 - ii) facilities not operating in full compliance with these criteria that can document their compliance with;
 - (1) Measure #1 for at **least** the last 10 years, and
 - (2) Measure #2 regarding incoming cervids for at least the last 5 years,
 - iii) or, a combination of the above and/or other measures that are approved by the department.
3. **Continual CWD Monitoring** – All facilities participating in the program must maintain current Federal CWD testing protocols and records (or Federally approved state CWD testing protocols)

on all cervids that die or are culled 12 months old or older which designates a “low risk status” or comparable designation within the Federal/State CWD herd certification program standards that indicates no occurrence of confirmed CWD positive animals from the facility.

- a) All cervids that are transferred or sold from a facility participating in the certification program must be transferred under a contract stating that the receiving facility will, to the best of their ability, test all cervids received for CWD when they die or are slaughtered, euthanized or harvested. Such contract will also require the receiving facility to report back annually to the participating facility regarding the status of the cervid received.
- b) Facilities participating in the certification program must maintain records of the following information when selling or transferring live cervids.
 - i) Official identification tag numbers of all cervids sold or transferred.
 - ii) Name, address, and contact information of the receiving facility.
 - iii) Receiving facility’s ID Premises Number.
 - iv) Date the cervids were sold or transferred and the date they were moved.

4. **Additional Facility Inspections** - Facilities participating in the certification program must submit to an annual inspection by an accredited veterinarian. The accredited veterinarian will be responsible for documenting (using the attached CWD Program Facility Inspection Form – Appendix B) that the participating facility is complying with the requirements of the Program. If possible and at no additional expense to the participating facility, a representative of the state veterinarian office will be invited to participate in these inspections. Among other things, this documentation will include:

- a) A check of paperwork confirming that the cervid facility in good and current standing with all State and Federal testing programs.
- b) A review of annually reconciled herd inventories. This review will document that at least 20% of the animals were checked and verified that they match annual census paperwork and an overall headcount will be conducted to help verify the inventories/paperwork match.
- c) The performance of an onsite verification of herd health.
- d) The performance of an inspection of facility shipping records including a reconciliation of live cervid shipments and the results of their subsequent CWD tests as required in Section 3.a. above (once the animal is euthanized, harvested or dies).
- e) The performance of a perimeter fence inspection to ensure that it complies with Item #7 below and that it is capable of preventing the ingress / egress of cervids.

- f) A review and verification to ensure that the facility has all appropriate CWD certification documents and that they are current.
5. **Physical Herd Inspection** - Every third (3rd) year the participating facility will have all cervids over 12 months of age physically inspected for tag identification and verification and overall health of the herd. This will be conducted by an accredited veterinarian during the tuberculosis reaccreditation testing process. Participating facilities which are not in the tuberculosis accreditation program must have a comparable physical inventory status herd certificate every third (3rd) year.
 6. **Advancing the Science** – Facilities participating in the Program are committed to supporting the advancement of sound science related to CWD. Options for involvement include supporting research for live tests, urine tests, vaccines, supporting the CWD Alliance or other causes or research to advance knowledge and the science relating to CWD.
 - a) In the case of any voluntary experimental testing at or on a participating facility, it is understood that any test results or findings from these types of experiments or testing would have to be verified/proven before any resulting actions are taken against the urine collection facility.
 7. **Facility Management** – Facilities participating in the certification program within a 30-mile radius of a confirmed CWD positive cervid will maintain a minimum 8-foot double fencing around the perimeter of the facility. Facilities seeking to participate in the Program that are within a 30-mile radius of a confirmed CWD positive cervid which do not yet maintain a minimum 8-foot - double fenced will be allowed a phase in period not to exceed 12 months from the date that a CWD positive cervid was confirmed within this 30-mile radius. For participating facilities that are currently not within this 30-mile radius of a confirmed CWD positive cervid, this double fencing measure is “recommended” but not required.
 8. **Loss of Program Status** – The following situations will cause a participating facility to lose it status within the program.
 - a) The occurrence of a CWD positive animal.
 - b) The loss of State or Federal certified status.
 - c) Failure to comply with these additional measures.
 9. **New Participants in the ATA Program** - Facilities wishing to participate in the certification program must document compliance with the requirements of the program for at least a 12-month period prior to consideration for exemption.
 10. **Program Review** – The Commission may modify these criteria as new information and science becomes available. Modification of these criteria will include review with affected participants as well as public process that will include a proposal and a public comment period prior to final adoption.